

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 43,560 SF TO 38,600 SF IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); (DON & JENNIE JACOBSON, APPLICANTS).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Earnest McDonald **EXT.** 7430

**Agenda Date** 01-26-04 **Regular** ☐ **Consent** ☒ **Public Hearing – 6:00** ☐

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 43,560 SF TO 38,600 SF IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); (DON & JENNIE JACOBSON, APPLICANTS); OR
2. **DENY** THE REQUEST FOR MINIMUM LOT SIZE VARIANCE FROM 43,560 SF TO 38,600 SF IN THE A-5 (RURAL ZONING CLASSIFICATION DISTRICT); (DON & JENNIE JACOBSON, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(Commission District # 2 - Morris)

(Earnest McDonald, Principal Coordinator)

<b>GENERAL INFORMATION</b>	DON & JENNIE JACOBSON, APPLICANTS TITUSVILLE ROAD GENEVA, FL 32732	A-5 DISTRICT
<b>BACKGROUND / REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANTS REQUEST A MINIMUM LOT SIZE VARIANCE FROM 43,560 SF (1 ACRE) TO 38,600 SF (0.89 ACRE) TO BUILD AND OCCUPY A SINGLE-FAMILY RESIDENCE.</li> <li>• THE AFOREMENTIONED VARIANCE IS REQUESTED TO MAKE REASONABLE USE OF THE SUBJECT PROPERTY, WHICH IS A DEFICIENT LOT UNDER THE A-5 DISTRICT DESCRIPTION.</li> </ul>	
<b>STAFF FINDINGS</b>	<p>THE APPLICANTS HAVE DEMONSTRATED A HARDSHIP, BASED ON THE STANDARDS FOR GRANTING VARIANCES:</p> <ul style="list-style-type: none"> <li>• THE SUBJECT PROPERTY WAS REZONED FROM A-1 (AGRICULTURE DISTRICT) TO A-5 (RURAL ZONING CLASSIFICATION DISTRICT) IN 1991, FOLLOWING THE ADOPTION OF THE 1991 COMPREHENSIVE PLAN.</li> <li>• THE SUBJECT PROPERTY FAILS TO MEET THE MINIMUM</li> </ul>	

	<p>5-ACRE LOT SIZE REQUIREMENT FOR THE A-5 DISTRICT AND IS THEREFORE A NONCONFORMING LOT OF RECORD.</p> <ul style="list-style-type: none"><li>• POLICY 11.15 (CODE ENFORCEMENT &amp; IMPLEMENTATION) ALLOWS LOTS OR PARCELS OF RECORD THAT EXISTED BEFORE THE ADOPTION OF THE 1991 COMPREHENSIVE TO BE DEVELOPED TO THE STANDARD OF THE PREVIOUS ZONING DESIGNATION.</li><li>• THE SUBJECT PROPERTY IS THEREBY REQUIRED TO MEET THE MINIMUM SIZE AND DIMENSIONAL STANDARDS OF THE A-1 DISTRICT, WHICH EXPLAINS THE REASON FOR THE VARIANCE REQUEST.</li><li>• ACCORDING TO SEMINOLE COUNTY PROPERTY APPRAISER RECORDS, THE OWNERS OF THE ABUTTING PROPERTIES ARE DIFFERENT THAN THE OWNER OF THE SUBJECT PROPERTY. THEREFORE, THERE IS NO OPPORTUNITY TO IMPOSE POLICY FLU 3.2 (ANTIQUATED PLATS) OF THE COMPREHENSIVE PLAN, WHERE THE OWNERS WOULD BE REQUIRED TO RECOMBINE PROPERTIES TO ELIMINATE NONCONFORMITY AND THE NEED FOR A VARIANCE.</li><li>• BASED ON THE PREVIOUS FINDINGS, STAFF BELIEVES THE GRANT OF THE REQUESTED VARIANCE WOULD NOT CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE A-5 DISTRICT AND WOULD BE THE MINIMUM VARIANCE THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY.</li><li>• THE REQUESTED VARIANCE WOULD OTHERWISE BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND NON-DETRIMENTAL TO THE PUBLIC INTEREST.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE VARIANCE REQUEST AND MAKE THE APPROPRIATE FINDINGS OF FACT, BASED ON THE IDENTIFIED HARDSHIP. STAFF ALSO RECOMMENDS THE BOARD IMPOSE ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</p>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
1101 EAST FIRST STREET  
SANFORD, FL 32771  
(407) 665-7444 PHONE (407) 665-7385 FAX APPL.NO. BY2003-095

### APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

#### APPLICATION TYPE:

- ☒ **VARIANCE** Min. lot size variance from 43,560 SF to 38,600 SF
- ☐ **SPECIAL EXCEPTION**
- ☐ **MOBILE HOME SPECIAL EXCEPTION**
- ☐ EXISTING ☐ PROPOSED ☐ REPLACEMENT  
MOBILE HOME IS FOR \_\_\_\_\_  
YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_  
ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_  
PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN \_\_\_\_\_  
MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO
- ☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	Donald & Jennie Jacobson	
ADDRESS	1354 Marsh Creek Lane	
	Orlando, FL 32828	
PHONE 1	407-788-1717 Ext. 4195	
PHONE 2	407-381-4244 / 407-365-5240	
E-MAIL	Jacobson-family@msn.com	

PROJECT NAME: Titusville Cold Mims Road

SITE ADDRESS: " "

CURRENT USE OF PROPERTY: Vacant

LEGAL DESCRIPTION: Leg Sec 25 Twp 20S Rge 32E E200 ft of W600 ft of S 217.8 of SE Cless road)

SIZE OF PROPERTY: 0.886 acre(s) PARCEL I.D. 25-20-32-300-0270-0000

UTILITIES: ☐ WATER ☒ WELL ☐ SEWER ☒ SEPTIC TANK ☐ OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS None

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on \_\_\_\_\_  
(mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole  
County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within  
this application are true and correct to the best of my knowledge.

X  
SIGNATURE OF OWNER OR AGENT\* DATE

\* Proof of owner's authorization is required with submittal if signed by agent.

# ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

## APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE

BCC PUBLIC HEARING DATE \_\_\_\_\_

## FOR OFFICE USE ONLY

### PROCESSING:

FEE: \$150 COMMISSION DISTRICT 2-Morris FLU / ZONING R-5 / A-5

LOCATION FURTHER DESCRIBED AS North side of Titusville Rd, approx 1.2 miles west of W. SR 46 / Titusville Rd. intersection

PLANNER EAM DATE 12-30-03

SUFFICIENCY COMMENTS \_\_\_\_\_

# SITE PLAN REQUIREMENT

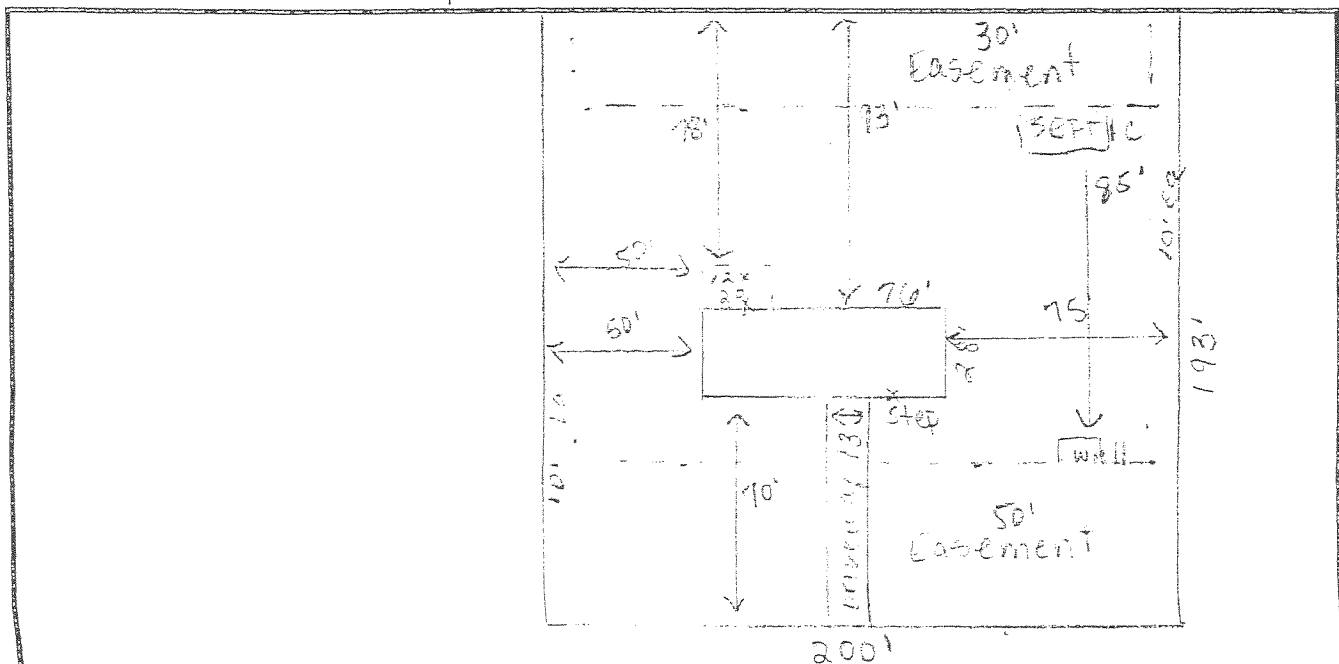
A site plan must be submitted with any application to the Board of Adjustment for a Special Exception, Special Exception for a mobile home or a variance. The site plan can be a copy of a survey with the proposed addition indicated or a drawing, drawn to scale, which accurately depicts the nature of the request. **Please make your diagram no larger than 8 1/2 inches by 14 inches.**

The following information needs to be indicated on the site plan:


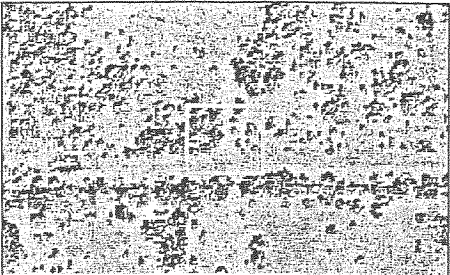
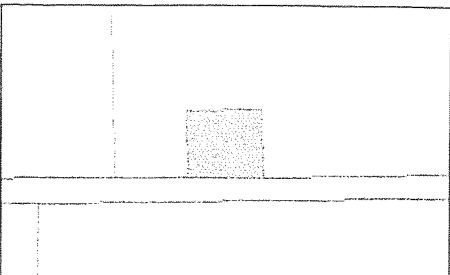
- ☐ The dimensions of the lot or parcel and an arrow indicating "North."
- ☐ Location and name of abutting street or road.
- ☐ Location, size and setbacks from property lines for all proposed or existing mobile homes, conventional homes, and accessory structures.
- ☐ Location and size of proposed or existing septic system, drain field and well, if applicable.
- ☐ The location, size and type of any trees to be removed. *probably none.*
- ☐ The type, location and width of all easements on the property.
- ☐ The location and width of the existing or proposed driveway access.

1" = 60'

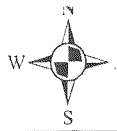
↑ NORTH



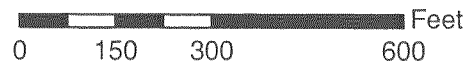
OLD HOME FORD (Titusville)

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP	TAX ROLL	SALES SEARCH																		
 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-668-7506</p>																						
<p align="center"><b>GENERAL</b></p> <p>Parcel Id: 25-20-32-300-0270-0000      Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: HOLMES FRANCES F      Exemptions:</p> <p>Address: 1417 E WASHINGTON ST</p> <p>City,State,ZipCode: ORLANDO FL 32801</p> <p>Property Address: TITUSVILLE RD</p> <p>Subdivision Name:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>			<p align="center"><b>2003 WORKING VALUE SUMMARY</b></p> <p>Value Method: Market</p> <p>Number of Buildings: 0</p> <p>Depreciated Bldg Value: \$0</p> <p>Depreciated EXFT Value: \$0</p> <p>Land Value (Market): \$4,947</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$4,947</p> <p>Assessed Value (SOH): \$4,947</p> <p>Exempt Value: \$0</p> <p>Taxable Value: \$4,947</p>																			
<p align="center"><b>SALES</b></p> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>QUIT CLAIM DEED</td> <td>07/1997</td> <td>03435</td> <td>0291</td> <td>\$100</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>07/1985</td> <td>01656</td> <td>0742</td> <td>\$3,000</td> <td>Vacant</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	QUIT CLAIM DEED	07/1997	03435	0291	\$100	Vacant	WARRANTY DEED	07/1985	01656	0742	\$3,000	Vacant	<p align="center"><b>2002 VALUE SUMMARY</b></p> <p>2002 Tax Bill Amount: \$86</p> <p>2002 Taxable Value: \$4,947</p>	
Deed	Date	Book	Page	Amount	Vac/Imp																	
QUIT CLAIM DEED	07/1997	03435	0291	\$100	Vacant																	
WARRANTY DEED	07/1985	01656	0742	\$3,000	Vacant																	
<p align="center"><b>LAND</b></p> <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>FRONT FOOT &amp; DEPTH</td> <td>200</td> <td>193</td> <td>.000</td> <td>85.00</td> <td>\$4,947</td> </tr> </tbody> </table>			Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	200	193	.000	85.00	\$4,947	<p align="center"><b>LEGAL DESCRIPTION</b></p> <p>LEG SEC 25 TWP 20S RGE 32E E 200 FT OF W 600 FT OF S 217.8 FT OF SE 1/4 (LESS RD)</p>							
Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value																	
FRONT FOOT & DEPTH	200	193	.000	85.00	\$4,947																	
<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.</p> <p>*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																						





Donald & Jennie Jacobson  
Titusville Road



**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On January 26, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 25 TWP 20S RGE 32E E 200 FT OF W 600 FT OF S 217.8 FT OF SE ¼  
(LEGS RD)

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owners:** FRANCES HOLMES  
1417 E. WASHINGTON STREET  
ORLANDO, FL 32801

**Project Name:** TITUSVILLE ROAD

**Requested Development Approval:**

MINIMUM LOT SIZE VARIANCE FROM 43,560 SF TO 38,600 SF IN THE R-5  
(RURAL ZONING CLASSIFICATION DISTRICT)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Earnest McDonald  
1101 East First Street  
Sanford, Florida 32771



Order

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The minimum lot size variance shall apply to the property as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: